

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 13-00273 (SRN/FLN)**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	ORDER
)	
v.)	
)	
MORAN OZ (2);)	
BABUBHAI PATEL (3);)	
LACHLAN SCOTT MCCONNELL)	
(6);)	
ELIAS KARKALAS (8);)	
PRABHAKARA RAO TUMPATI (9);)	
)	
Defendants.)	

Alan Feuer, 620 Eighth Ave., New York, NY 10018, reporter for the *New York Times*.

Jacqueline Blaesi-Freed, Linda I. Marks, U.S. Department of Justice, Consumer Protection Branch, 450 5th St. NW, Ste. 6400, Washington, DC 20001, and Roger J. Gural, U.S. Department of Justice, Civil Division, P.O. Box 386, Washington, DC 20044, for the United States of America.

Joseph S. Friedberg, 701 4th Ave. S., Ste. 300, Minneapolis, MN 55415, and Robert D. Richman, P.O. Box 16643, St. Louis Park, MN 55416, for Defendant Moran Oz.

Brian N. Toder, Chestnut Cambronne, PA, 17 Washington Ave N., Ste. 300, Minneapolis, MN 55401, for Defendant Babubhai Patel.

Ryan M. Pacyga, Pacyga & Mohammad LLC, 333 South Seventh St., Ste. 2850, Minneapolis, MN 55402, for Defendant Lachlan Scott McConnell.

Daniel L. Gerdt, 247 Third Ave. S., Minneapolis, MN 55415, John C. Brink, 310 4th Ave. S., Ste. 1008, Minneapolis, MN 55415, for Defendant Elias Karkalas.

James E. Ostgard, Ostgard Law Office, P.O. Box 582536, Minneapolis, MN 55458, Paul Daniel Schneck, Paul Daniel Schneck, LTD, 222 South 9th St., Ste. 1600, Minneapolis, MN 55402, for Defendant Prabhakara Rao Tumpati.

SUSAN RICHARD NELSON, United States District Judge

The Court received a letter from Alan Feuer, a reporter for the *New York Times*, requesting that documents in this case be unsealed. (See Letter dated March 31, 2016 (“NYT Letter”) [Doc. No. 529].) The Court required the Government to submit briefing on which documents in this matter should remain sealed. (See Order dated May 6, 2016 [Doc. No. 535].) The Government duly complied. (See Gov’t Br. in Resp. to Court’s Order (“Gov’t Resp.”) [Doc. No. 536].) Despite being given the opportunity to be heard on the issue of sealing, no Defendant filed any briefing on the subject.

The First Amendment affords the public and members of the press a right to access certain pre-trial proceedings and documents in criminal cases. See In re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 572 (8th Cir. 1988). However, this is a qualified right. See id. at 574. “Proceedings may be closed and, by analogy, documents may be sealed if specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest.” Id. (quoting Matter of New York Times Co., 828 F.2d 110, 116 (2d Cir. 1987)). If a district court decides to seal certain documents, it must state why “sealing was necessary and why less restrictive alternatives were not appropriate.” Id.

The Government does not oppose unsealing the majority of the documents at issue. (See Gov’t Resp. at 1, 5.) It takes no position on the unsealing of certain documents which it cannot view, or which it did not author. (See id. at 3.) However, the Government opposes unsealing Doc. No. 434, consisting of its Brady letter to the

Defendants, arguing that such letters are normally not filed with a court, and when they are, the local rules require they be sealed. (Id. at 3–4 (citing D. Minn. L.R. 49.1(c)(1)(B)(vii).)

The Court agrees with the Government’s position on sealing. Many documents may now be unsealed. However, this does not include the Government’s Brady letter (Doc. No. 434) or other documents addressing Court and case administration matters (Doc. Nos. 223, 224, 246, 247, and 250). Those documents do not pertain to the merits of the case and thus are of little or no public interest.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. The Clerk of Court is hereby **directed to unseal** the following docket entries: 152, 401, 402, 404, 446, 451, 456, 458, 467, 471, 476, 478, 488, and 489.

Dated: June 17, 2016

s/ Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge